

REMARKS

Claims 1-10 are pending in the present patent application. Claims 1-10 stand rejected. By this amendment, claims 1, 4, 5 and 7 have been amended. This application continues to include claims 1-10.

A Notice of Appeal has been filed contemporaneous with the present Amendment.

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 455,334 (Iske, et al.). Applicants respectfully request reconsideration of the rejection of claims 1-10 in view of the following.

Applicants have amended claims 1 and 7 to recite that the turn-button is mounted in the operator. Also, Applicants have amended claims 4 and 5 to recite that the shaft has a leading helical end tip, as shown for example, in Applicants' Figs. 1 and 2.

Iske, et al. discloses that, "[t]he object of this invention is to facilitate the unlatching and opening of doors by persons whose arms are encumbered, or who for any other reason find it more convenient to merely press forward on the knob than to take hold of it and turn the wrist and hand in the ordinary way." (Iske, et al. page 1, lines 12-18). Thus, Iske, et al. discloses a mechanism which changes the linear motion of pushing on the door knob into a rotary motion to operate the latch bolt C. In addition, Iske, et al. discloses a door knob shank F with "the middle part F' of said shank being twisted, as shown, through a quarter-circle...." (Iske, et al. page 1, lines 53-54; emphasis added). Further, Iske, et al. discloses door knobs G and G' which unlatch the latch bolt C, but do not operate a lock mechanism. There is no discussion of a lock mechanism in Iske, et al.

Claim 1, as amended, is directed to a lockset, and recites, in part, “a turn-button mounted in said operator, said turn-button including: a head portion; and a shaft extending from said head portion, said shaft having a leading helical end portion that engages said aperture of said lock mechanism.”

While Applicants’ operator is analogous to the Iske, et al. knobs G, G’, Iske, et al. does not disclose structure corresponding to the recited “turn-button mounted in said operator”, as recited in claim 1. Applicants submit that the knobs G, G’ of Iske, et al. are not what is understood by one of ordinary skill in the art to be a turn-button (also spelled “turn button”), and also sometimes referred to as a turnpiece. For example, each of U.S. Patents 4,631,944; 5,317,889; 5,335,950; 5,441,318; 6,598,440; and 6,745,602 shows and describes a turn button/turnpiece. The owners of these patents are variously Kwikset, Emhart or Newfrey LLC, who constitute a market share of about 60%. Accordingly, there is an extensive use of the terms turn-button/turnpiece in the art to refer to the particular item used in a door handle assembly that is mounted in an operator (e.g., door knob) and which is rotated independently from the door knob to actuate a lock mechanism. As such, a door knob does not constitute a turn-button, and a turn-button does not constitute a door knob. A door knob operates a door latch, and a turn-button operates a lock mechanism.

In any event, claim 1 has been amended to further clarify that the turn-button is mounted in the operator, i.e., in the door knob, and as previously stated in claim 1, the turn-button includes a head portion and a shaft extending from the head portion, the shaft having a leading helical end portion that engages the aperture of the lock mechanism.

In view of the above, Applicants submit that Iske, et al. does not disclose, teach or suggest a turn-button mounted in the operator, as recited in claim 1.

In addition, Iske, et al. discloses at page 1, lines 53-54 that it is the middle part F' of the shank F that is twisted through a quarter-circle....” As shown in Iske, et al. Fig. 3, the leading end portion of shank F is blunt, square and without any twist for some distance before reaching the twisted middle part F' of the shank F. Accordingly, Iske, et al. does not disclose, teach or suggest a turn-button including a shaft having a leading helical end portion that engages the aperture of the lock mechanism, as recited in claim 1.

Accordingly, claim 1 is believed to be in condition for allowance in its present form.

Claims 2 and 3 depend from claim 1, and are believed to be allowable in view of their dependence from otherwise allowable base claim 1. In addition, claims 2 and 3 are believed allowable in their own right.

Claim 2 depends from claim 1, and further recites, “said leading helical end portion having a plurality of leading helical surfaces that taper and twist from a transition line of said shaft toward a tip end of said shaft.” To aid in the understanding of claim 2, please see for example, Applicants’ Figs. 1 and 2, and Applicants’ specification at page 3, lines 3-7. In contrast, Iske, et al. discloses that it is the middle part F' of the shank F that is twisted through a quarter-circle....” As shown in Iske, et al. Fig. 3, the leading end portion of shank F is blunt, square and without any twist for some distance before reaching the twisted middle part F' of the shank F. Also, the shank F of Iske, et al. does not include a taper. Thus, there is no plurality of leading helical surfaces that taper and twist from a transition line of the shaft toward a tip end of the shaft. Accordingly, claim 2 is believed allowable in its own right.

Claim 3 depends from claim 2, and further recites that "said plurality of leading helical surfaces smoothly transition between adjacent helical surfaces." In contrast, Iske, et al. discloses an abrupt change from one surface to an adjacent surface, as is clearly shown in Iske, et al. Fig. 3. Accordingly, claim 3 is believed allowable in its own right.

In addition, claim 3 is believed to be allowable in view of its dependence from otherwise allowable intervening claim 2.

Claim 4 is directed to a turn-button for a lockset. Claim 4, as amended, recites "a head portion; and a shaft extending from said head portion, said shaft having a leading helical end tip." (Emphasis added). As set forth above in the discussion of claim 1, Iske, et al. does not disclose a turn-button for a lock set.

Notwithstanding the above, Iske, et al. discloses at page 1, lines 53-54 that it is the middle part F' of the shank F that is twisted through a quarter-circle...." As shown in Fig. 3, the leading end portion of shank F is blunt, square and without any twist for some distance before reaching the twisted middle part F' of the shank F. Accordingly, Iske, et al. does not disclose, teach or suggest a turn-button including a shaft having a leading helical end tip, as recited in claim 4.

Accordingly, claim 4 is believed to be in condition for allowance in its present form.

Claims 5 and 6 depend, directly or indirectly, from claim 4, and are believed to be allowable in view of their dependence from otherwise allowable base claim 4. In addition, claims 5 and 6 are believed allowable in their own right for substantially the same reasons set forth above with respect to claims 2 and 3, respectively. In addition, claim 6 is believed to be allowable in view of its dependence from otherwise allowable intervening claim 5.

Claim 7 is directed to a lockset. Claim 7, as amended, recites, “a lock mechanism including an actuator having an aperture; an operator; a turn-button mounted in said operator, said turn-button including a shaft; and means for facilitating self-alignment of said shaft of said turn-button with said aperture of said lock mechanism as said shaft of said turn-button is inserted into said aperture of said lock mechanism.

Applicants submit that Iske, et al. does not disclose, teach or suggest a turn-button mounted in the operator for the reasons set forth above with respect to claim 1.

Furthermore, and notwithstanding the above, Iske, et al. provides no means for facilitating self-alignment of said shaft of said turn-button with said aperture of said lock mechanism as said shaft of said turn-button is inserted into said aperture of said lock mechanism. As shown in Fig. 3 of Iske, et al., the leading end portion of shank F is blunt, square and without any twist for some distance before reaching the twisted middle part F' of the shank F. Accordingly, in Iske, et al. the leading end portion of shank F must be in perfect alignment, vertically, horizontally and rotationally, with the square central aperture D' of the hub D in order for the leading end portion of shank F to be received in the square central aperture D' of the hub D (see, Iske, et al., page 1, lines 46-48).

In rejecting claim 7, reliance is placed on the passage in Iske, et al. at page 1 (column 2), lines 74-94. However, the cited passage is directed to the operation of the Iske, et al. invention, and is not related to facilitating self-alignment of a shank F with square recess D' of the hub D of the latch assembly. Accordingly, the cited passage further is not related to facilitating self-alignment of a shaft of a turn-button with an aperture of a lock mechanism as the shaft of the turn-button is inserted into the aperture of the lock mechanism, as recited in claim 7.

Accordingly, claim 7 is believed to be in condition for allowance in its present form.

Claim 8 further and patentably defines Applicants' invention over the prior art, and is believed allowable in its present form. In addition, claim 8 is believed allowable due to its dependence from otherwise allowable claim 1.

Claims 9 and 10 depend, directly or indirectly, from independent claim 7, and correspond generally to claims 2 and 3, respectively. Claims 9 and 10 further and patentably define Applicants' invention over the prior art, and are believed allowable in their present form for substantially the same reasons set forth above with respect to claims 2 and 3. Also, claims 9 and 10 are believed allowable in view of their dependence from otherwise allowable claim 7. In addition, claim 10 is believed allowable in view of its dependence from otherwise allowable intervening claim 9.

For the foregoing reasons, Applicants believe the present application is in condition for allowance in its present form, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



Ronald K. Aust
Registration No. 36,735

Attorney for Applicants

RKA/ts

TAYLOR & AUST, P.C.
12029 E. Washington Street
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803

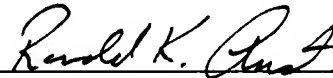
Enc.: Return postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on;
May 19, 2005.

Ronald K. Aust, Reg. No. 36,735

Name of Registered Representative



Signature

May 19, 2005

Date